

it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a "significant regulatory action" under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. App. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

##### § 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

**95-09-09 McDonnell Douglas:** Amendment 39-212. Docket 95-NM-54-AD.

**Applicability:** Model DC-8-61, -62, -62F, -63, and -63F airplanes equipped with an engine modified by Burbank Aeronautical Corporation II (BAC II) in accordance with Supplemental Type Certificate (STC) SA4892NM or SA5455NM, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must use the authority provided in paragraph (d) to request approval from the FAA. This approval may address either no action, if the current configuration

eliminates the unsafe condition; or different actions necessary to address the unsafe condition described in this AD. Such a request should include an assessment of the effect of the changed configuration on the unsafe condition addressed by this AD. In no case does the presence of any modification, alteration, or repair remove any airplane from the applicability of this AD.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent failure of the cone bolt on the right side of the forward mount of the engine, which may lead to separation of the engine during a critical phase of flight, accomplish the following:

(a) Within 90 days after the effective date of this AD, perform an inspection to determine the part number (P/N) of the cone bolt on the right side of the forward mount of each of the four engines.

(1) If the cone bolt has Barry Controls P/N 96013-1, no further action is required by this AD.

(2) If the cone bolt does not have Barry Controls P/N 96013-1, prior to further flight, remove it and install a cone bolt having Barry Controls P/N 96013-1, in accordance with either STC SA4892NM or SA5455NM.

**Note 2:** Intervals for repetitive inspections and replacements of life-limited cone bolts having Barry Controls P/N 96013- are specified in STC's SA4892NM and SA5455NM.

(b) Within 10 days after replacing a cone bolt in accordance with the requirements of paragraph (a)(2) of this AD, submit a report that includes the information contained in paragraphs (b)(1), (b)(2), (b)(3), and (b)(4) of this AD, to the Manager, Los Angeles Aircraft Certification Office (ACO), 3960 Paramount Boulevard, Lakewood, California 90712; telephone (310) 627-5323; fax (310) 627-5210. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120-0056.

(1) Series and fuselage serial number of Model DC-8 series airplane.

(2) Total time and number of cycles on the engine since installation of the engine modified by BAC II in accordance with STC SA4892NM or SA5455NM.

(3) Number of bolts identified having BAC II P/N DC-8-21005-7.

(4) Number of bolts destroyed having BAC P/N DC-8-21005-7.

(c) As of the effective date of this AD, no person shall install, on any airplane, a cone bolt having BAC II P/N DC-8-21005-7 on right side of the forward mount of the engine.

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles ACO, FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

**Note 3:** Information concerning the existence of approved alternative methods of

compliance with this AD, if any, may be obtained from the Los Angeles ACO.

(e) Special flight permits may be issued in accordance with §§ 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

(f) This amendment becomes effective on May 16, 1995.

Issued in Renton, Washington, on April 25, 1995.

**James V. Devany,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 95-10586 Filed 4-28-95; 8:45 am]

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#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### 14 CFR Part 1245

#### Patents and Other Intellectual Property Rights

**AGENCY:** National Aeronautics and Space Administration (NASA).

**ACTION:** Final rule.

**SUMMARY:** NASA is amending 24 CFR part 1245 by removing Subpart 2, "Licensing of NASA Inventions." The Department of Commerce has issued similar regulations which prescribe the terms, conditions, and procedures upon which a federally-owned invention may be licensed. These regulations are codified at 37 CFR Part 404, "Licensing of Government-Owned Inventions." NASA began granting licenses in accordance with the Department of Commerce regulations on March 13, 1995. All licenses agreements executed prior to this date will operate under the previous regulations.

**EFFECTIVE DATE:** March 13, 1995.

**FOR FURTHER INFORMATION CONTACT:** John G. Mannix, 202-358-2424.

##### List of Subjects in 14 CFR Part 1245

Authority delegations (Government agencies), Inventions and patents.

Under the authority, 42 U.S.C. 2473, 14 CFR Part 1245 is amended as follows:

#### PART 1245—[AMENDED]

##### Subpart 2—[Removed and Reserved]

In 14 CFR Part 1245, Subpart 2 (consisting of SS 1245.200 through 1245.214) is removed and reserved.

Dated: April 24, 1995.

**Edward A. Frankle,**  
*General Counsel.*

[FR Doc. 95-10583 Filed 4-28-95; 8:45 am]

BILLING CODE 7510-01-M

**DEPARTMENT OF THE TREASURY****Customs Service**

**19 CFR Parts 7, 11, 12, 18, 19, 24, 54, 101, 102, 111, 114, 123, 128, 132, 134, 141, 145, 146, 148, 151, 152, 177, 181, and 191**

[T.D. 95-29]

**Technical Amendments to the Customs Regulations; Correction**

**AGENCY:** Customs Service, Treasury.

**ACTION:** Final rule; correction.

**SUMMARY:** This document makes a correction to the document published in the **Federal Register** which made certain technical corrections to various authority citations to reflect amendments to the Harmonized Tariff Schedule of the United States made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

**EFFECTIVE DATE:** This correction is effective May 1, 1995.

**FOR FURTHER INFORMATION CONTACT:** Gregory R. Vilders, Attorney, Regulations Branch, (202) 482-6930.

**SUPPLEMENTARY INFORMATION:****Background**

On April 11, 1995, Customs published in the **Federal Register** (60 FR 18347) T.D. 95-29 to make certain technical corrections to various statutory authority citations contained in the Customs Regulations (19 CFR Chapter 1) to reflect amendments to the Harmonized Tariff Schedule of the United States (HTSUS) made by the North American Free Trade Agreement (NAFTA) and the Uruguay Round of the General Agreement on Tariffs and Trade (GATT).

This document corrects an error contained in T.D. 95-29. The error concerns the amendment to § 141.4. Because of a recent revision to § 141.4, the references in T.D. 95-29 to paragraph (a) and General Note 4 in § 141.4 did not accurately reflect the recently revised structure and text of § 141.4.

T.D. 94-51, published in the **Federal Register** (59 FR 30289) on June 13, 1994, regarding express consignments; formal and informal entries of merchandise and administrative exemptions revised § 141.4 on an interim basis. The revision renumbered the paragraphs and updated the authority citation to the Harmonized Tariff Schedule of the United States (HTSUS) from General Note 4 to General Note 13, which was the correct citation

at that time. This interim revision was finalized in T.D. 95-31, which was published in the **Federal Register** (60 FR 18983) on April 14, 1995. The technical correction amendment to § 141.4 in T.D. 95-29, inadvertently, did not take into account the revision to § 141.4 in T.D. 94-51. Accordingly, this document corrects that error.

**Correction of Publication**

Accordingly, the publication on April 11, 1995 of the final rule (T.D. 95-29) (60 FR 18347) is corrected as follows:

1. On page 18347, in the third column under the heading Part 141, the references to "Section 141.4(a)" and "General Note 4" are corrected to read "Section 141.4(b)(1)" and "General Note 13", respectively.

2. On page 18348, in the third column under Part 141, the second instruction is corrected to read "In § 141.4, the reference in paragraph (b)(1) to "General Note 13" is revised to read "General Note 16".

Dated: April 24, 1995.

**Harold M. Singer,**

*Chief, Regulations Branch.*

[FR Doc. 95-10558 Filed 4-28-95; 8:45 am]

BILLING CODE 4820-02-P

**DEPARTMENT OF COMMERCE****Patent and Trademark Office****37 CFR Part 1**

[Docket No. 950328079-5079-01]

RIN 0651-AA67

**Revision of Affidavits Under 37 CFR 1.131**

**AGENCY:** Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The Patent and Trademark Office (Office) is amending the rules of practice relating to submission of affidavits or declaration under 37 CFR 1.131(a) to implement the relevant provisions of the North American Free Trade Agreement Act and the Uruguay Round Agreements Act, respectively. The change will allow an inventor to show a completion of the invention in this country or a NAFTA or WTO member country before the filing of the application on which the U.S. patent issued or before the date of the foreign patent, or before the date of the printed publication.

**EFFECTIVE DATE:** This final rule is effective May 31, 1995.

**FOR FURTHER INFORMATION CONTACT:**

Hiram Bernstein by telephone at (703) 305-9285 or by mail addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231 marked to the attention of Mr. Bernstein, Office of the Deputy Assistant Commissioner for Patent Policy and Programs, or by FAX to (703) 308-6916.

**SUPPLEMENTARY INFORMATION:** Section 331 of Public Law 103-182, 107 Stat. 2057 (1993), the North American Free Trade Agreement Act, implementing the North American Free Trade Agreement (NAFTA), amended 35 U.S.C. 104 to provide that for the purpose of obtaining a patent, an applicant may establish a date of invention in the United States, or in a NAFTA member country (Canada and Mexico), which occurred after the date of implementation (i.e., December 8, 1993). Section 531 of Public Law No. 103-465, 108 Stat. 4809 (1994), the Uruguay Round Agreements Act, implementing the General Agreement on Tariffs and Trade (GATT), further amended 35 U.S.C. 104 to provide that for purposes of obtaining a patent, an applicant may establish a date of invention in the United States, or in a World Trade Organization (WTO) member country other than a NAFTA member country, that is no earlier than 12 months after the date of entry into force of the WTO agreement (i.e., January 1, 1996).

A notice of proposed rulemaking relating to Revision of Affidavits Under 37 CFR 1.131 was published in the **Federal Register**, 59 FR 49876 (September 30, 1994), and in the Official Gazette, 1167 Off. Gaz. Pat. Office 96 (October 25, 1994). No written comments were received in response to this notice.

The Office is amending 37 CFR 1.131(a), which is currently limited to facts showing a completion of the invention in the United States, to allow for a submission of facts in an affidavit or in a declaration that shows a completion of the invention in a NAFTA or in a WTO member country. The WTO is established under the GATT agreement to resolve disputes between signatories to the agreement. The facts presented must demonstrate a completion of the invention prior to the effective date of a reference thought to prevent the grant of a patent or overturn the patentability of a claim in a patent under reexamination.

No substantive change has been made in 37 CFR 1.131(a)(1) relating to a NAFTA or a WTO member country.

After further review and consideration of the proposed rule, the following modifications are made.